

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
WILLIAM R. FINCH

Serial No.: 09/844,747

Filed: APRIL 25, 2001

For: METHOD AND APPARATUS MULTI-
PHY COMMUNICATION WITHOUT AN
ATM BUS MASTER

Conf. No.: 2270

Group Art Unit: 2153

Examiner: JOHN R. BRANCOLINI

Atty. Dkt.: 2069.010500/TT4038

CUSTOMER NO.: 23720

REPLY BRIEF TO EXAMINER'S ANSWER DATED JULY 31, 2007

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant files this Reply Brief in response to the Examiner's Answer mailed July 31, 2007. The two-month date for filing this Reply Brief is September 28, 2007. This Reply Brief is being electronically filed on September 28, 2007, therefore, it is timely filed.

If an extension of time is required to enable this paper to be timely filed and there is no separate Petition for Extension of Time filed herewith, this paper is to be construed as also constituting a Petition for Extension of Time Under 37 CFR § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

No fee is believed due as a result of this filing, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from Legerity, Inc., Deposit Account No. 50-1591/TT4038.¹

¹ In the event the monies in that account are insufficient, the Commissioner is authorized to withdraw said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2069.010500/TT4038.

REMARKS

Appellants respectfully disagree with Examiners contentions regarding U.S. Patent No. 5,412,783 (*Skokan*). The Examiner re-asserts that *Skokan* anticipates all of the elements of the claims of the present invention. The Examiner cites Figures 3-5 of *Skokan* in a very general manner to support such an assertion. More specifically, the Examiner states that *Skokan* “clearly discloses a handshaking signal that [is] inherently coupled to the control bus.” See page 6 of the Examiner’s Answer dated 07/28/06. However, it is clear from various indications in Figure 3-5, contrary to the Examiner’s assertion, the handshaking signal is a separate entity and is not “inherently coupled to the control bus.” For example, reference No. 61 in Figure 3 and reference No. 91 in Figure 4 represent a handshake signal. See column 4, lines 34-36 and lines 65-67. The bus-type disclosure in Figures 3 and 4, *i.e.*, reference No. 71 and 102, respectively, represent the timing for data signals. See column 4, lines 36-38 and column 4, lines 65-66. Therefore, the handshake signal of *Skokan* is clearly separate, and not coupled to the control lines, as called for by claims of the present invention. Appellant has argued in detail in the Amended Appeal Brief that the timing signals of *Skokan* are sent on a separate line and the bus segment 10 of *Skokan* contains separate control lines 13, upon which the handshaking signals are not sent. See column 3, lines 35-43. In contrast to *Skokan*, the handshaking unit of claim 1 is coupled to the control lines of the bus; therefore, *Skokan* does not teach, disclose or suggest all of the elements of claims of the present invention.

Additionally, the Examiner emphasizes that “claims 1, 13, 25 mention nothing about a first network segment and second network segment.” See, page 6 of the Examiner’s Answer.

This argument is of no relevance, since arguments provided in the Amended Appeal Brief mention first and second devices, which are called for by claims of the present invention. Additionally, as described in the Appeal Brief, **Skokan** does not anticipate various elements of claims of the present invention.

Further, the Examiner asserts that **Skokan** teaches the handshaking unit and directs the Appellant's attention to Figures 3-5 to support the Examiner's argument. However, Figures 3-5 of **Skokan** merely discloses separate handshaking signals timing diagrams and does not disclose a handshaking unit. The claims of the present invention call for a handshaking unit being coupled to the control lines of the bus upon which a first and a second device are coupled. The support for these elements is adequately provided in the Specification. The Examiner is unable to cite any portion of **Skokan** that could possibly be used to argue anticipation of the handshaking unit.

Further, in the Examiner's Answer dated July 31, 2007, the Examiner seems to be arguing obviousness-type arguments based upon the anticipation rejections made under 35 U.S.C. 102. For example, the Examiner attempted to equate a handshaking signal to a handshaking unit. However, the Examiner is unable to produce or cite to any handshaking unit that is coupled to the control line of the bus. The handshaking unit is also able to determine if the first and the second devices are capable of completing a data transfer and enabling a first device and a second device to facilitate the data transfer. Simply because a handshaking signal is disclosed by **Skokan**, it does not follow that it anticipates the handshaking unit of claims of the present invention, as described in greater detail in the Appeal Brief. Therefore, the Examiner is

incorrect in asserting that all of the elements of the claims of the present invention is disclosed or anticipated by **Skokan**.

Still further, the Examiner asserts that knowledge in the prior art exists to allow those skilled in the art to find motivation to combine the prior art reference of **Skokan** and **Rumer** (U.S. Patent No. 6,618,376). **Skokan** is merely directed to an asynchronous handshake signal being encoded to facilitate transfer of the handshake signal from a first network segment to a second network segment. In contrast, **Rumer** is directed to an ATM UTOPIA bus snooper switch that is capable of receiving queue of a number of available slots corresponding to physical layers of the ATM transfers. These prior art references are non-analogous. Without improper hindsight reasoning, one simply would not combine or find motivation in these two prior art references to make obvious all of the elements of claims of the present invention. Further, even if these prior art references were combined, all elements of any claims of the present invention would not be made obvious, since **Skokan** is missing more than simply the UTOPIA interfaces. Therefore, even when **Skokan** and **Rumer** are combined, all of the elements of claims of the present invention are not made obvious as described in greater detail in the Appeal Brief.

In view of the foregoing, it is respectfully submitted that the Examiner erred in not allowing all claims (claims 1-35) pending in the present application over the prior art of record. The undersigned attorney may be contacted at (713) 934-4069 with respect to any questions, comments, or suggestions relating to this appeal.

Respectfully submitted,

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Date: September 28, 2007

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